

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

10:00 A.M.

Friday, March 18, 1994

The Senate met.

The Senate was called to order by Brian D. Rude, President of the Senate.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 807

Relating to reports of synthetic bovine growth hormone usage.

By Senator Decker.

To committee on Transportation, Agriculture, Local and Rural Affairs.

Senate Bill 808

An act relating to the office of workforce excellence in the department of industry, labor and human relations, career counseling centers and making appropriations.

By Senator Panzer.

To committee on Human Resources, Labor, Tourism, Veterans and Military Affairs.

Senate Bill 809

Relating to the definition of a telecommunications reseller.

By Senators Burke, Moen and Huelsman; cosponsored by Representatives Bock and Roberts.

To committee on Environment and Energy.

Senate Bill 810

Relating to a youthful offender program, juvenile boot camp planning, grants to vocational, technical and adult education districts for basic skills programs in jails, providing funds to a nonprofit corporation for a youth village program, providing funds to counties for capacity building for early and intensive intervention services, providing funds for the university of Wisconsin-Madison law school prosecution program, construction of and contracting for juvenile secured correctional and mental health beds, the amount of public debt authorization, granting bonding authority, providing for a study of juvenile justice issues and a study of issues relating to children in need of protection or services, granting rule-making authority and making appropriations.

By Senator Panzer; cosponsored by Representative Travis.

To committee on Judiciary and Insurance.

COMMITTEE REPORTS

The committee on Transportation, Agriculture, Local and Rural Affairs reports and recommends:

Assembly Bill 956

Relating to sale of rabies vaccine and rabies vaccination of dogs.

Introduction and adoption of Senate amendment 1:

Ayes, 4 -- Senators Lasee, Drzewiecki, Zien and Andrea;

Noes, 1 -- Senator Clausing.

Concurrence as amended:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien, Andrea and Clausing;

Noes, 0 -- None.

Assembly Bill 1074

Relating to changing the use of funds obtained from driver improvement surcharges.

Concurrence:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien, Andrea and Clausing;

Noes, 0 -- None.

Senate Bill 688

Relating to funding the rebuilding of private road crossings.

Passage:

Ayes, 4 -- Senators Lasee, Drzewiecki, Zien and Andrea;

Noes, 1 -- Senator Clausing.

Assembly Bill 853

Relating to designating and marking a certain highway route as the 'Iron Brigade Memorial Highway'.

Concurrence:

Ayes, 5 -- Senators Lasee, Drzewiecki, Zien, Andrea and Clausing;

Noes, 0 -- None.

Assembly Bill 986

Relating to funding the rebuilding of private road crossings.

Concurrence:

Ayes, 4 -- Senators Lasee, Drzewiecki, Zien and Andrea;

Noes, 1 -- Senator Clausing.

Alan J. Lasee
Chair

The joint committee on Finance reports and recommends:

Senate Bill 15

Relating to reimbursement for costs incurred because of discharges from petroleum storage tanks.

Introduction and adoption of Senate substitute amendment 2:

Ayes, 16 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Krug, Huber, Brancel and Foti;

Noes, 0 -- None.

Passage as amended:

Ayes, 14 -- Senators Leean, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Huber, Brancel and Foti;

Noes, 2 -- Senator Weeden; Representative Krug.

Assembly Bill 558

Relating to training for jail, secure detention and law enforcement officers and granting rule-making authority.

Introduction and adoption of Senate amendment 1:

Ayes, 16 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Krug, Huber, Brancel and Foti;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 2:

Ayes, 14 -- Senators Leean, Weeden, Farrow, Schultz, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Huber, Brancel and Foti;

Noes, 2 -- Senator Cowles; Representative Krug.

Concurrence as amended:

Ayes, 15 -- Senators Leean, Weeden, Farrow, Schultz, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Krug, Huber, Brancel and Foti;

Noes, 1 -- Senator Cowles.

Joseph Leean
Co-chair

Barbara J. Linton
Co-chair

The committee on Health, Human Services and Aging reports and recommends:

Senate Bill 789

Relating to creating an exception to the nursing licensure requirements for certain persons.

Passage:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Senate Bill 797

Relating to modifying review of nursing home capital expenditures under the resource allocation program and requiring a report on nursing home design and construction.

Passage:

Ayes, 5 -- Senators Buettner, Lorman, Rude, Rosenzweig and Breske;

Noes, 2 -- Senators Moen and Moore.

Assembly Bill 396

Relating to allowing certain persons to refuse only psychotropic medication rather than all medication and treatment.

Concurrence:

Ayes, 6 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen and Breske;

Noes, 1 -- Senator Moore.

Assembly Bill 671

Relating to interference with the custody of a child.

Concurrence:

Ayes, 6 -- Senators Buettner, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 1 -- Senator Lorman.

Assembly Bill 837

Relating to permitting the opportunity to obtain hospital staff privileges to certain certified psychologists.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Assembly Bill 1055

An act relating to increasing funding for community options program assessments, case plans and services, decreasing funding for medical assistance nursing home care expenditures and making appropriations.

Concurrence:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Assembly Joint Resolution 101

Relating to memorializing Congress to appropriate funds to permit more flexible use of substance abuse and mental health services administration funds.

Concurrence:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Assembly Joint Resolution 102

Relating to requesting the department of health and social services to apply for a federal waiver to include persons with mental illness in community integration programs under the medical assistance program.

Concurrence:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Carol A. Buettner
Chair

The committee on Human Resources, Labor, Tourism, Veterans and Military Affairs reports and recommends:

Senate Bill 798

Relating to a collective bargaining agreement between a municipal employer and a representative which has an employe serving on the governing board of an insurer that provides services to municipal employes under the agreement.

Passage:

Ayes, 3 -- Senators Zien, Lasee and Drzewiecki;

Noes, 2 -- Senators Breske and Decker.

Assembly Bill 412

Relating to the authority of the division of equal rights in the department of industry, labor and human relations to dismiss complaints under the fair employment law, the authority of the division of equal rights in the department of industry, labor and human relations and of the personnel commission to resolve complaints involving public employe safety and health, discrimination in public accommodations and discrimination in employment, and the place for holding a hearing on a complaint charging discrimination in housing, public accommodations or employment.

Concurrence:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 -- None.

Senate Bill 735

Relating to discrimination in employment based on disability, retaliatory discrimination in employment and the awarding of attorney fees in employment discrimination proceedings.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 2:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 -- None.

David A. Zien
Chair

The committee on State Government Operations and Corrections reports and recommends:

Assembly Bill 378

Relating to the period during which a public employe may appeal to the employe trust funds board for a review of an employer determination that the employe is not a

protective occupation participant under the Wisconsin retirement system.

Concurrence:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Assembly Bill 518

Relating to the purchase of prior noncreditable service under the Wisconsin retirement system.

Concurrence:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Assembly Bill 1043

Relating to the holding period for unclaimed funds in a public treasury.

Concurrence:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Assembly Bill 1094

Relating to: disregarding certain provisions in a partnership agreement when computing a partner's tax liability; the definition of gross income for certain income tax return filers; excluding property taxes paid by cooperative housing corporations from the itemized deductions income tax credit; estimated tax rules when changing tax return filing status between joint and separate returns; and changing the definition of 'return' for persons who file an estimated income or franchise tax return.

Concurrence:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Assembly Bill 1099

Relating to intergovernmental cooperation agreements and units of government responsible for recycling.

Concurrence:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Assembly Bill 1118

Relating to the salaries for district attorney positions.

Concurrence:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

LAVIGNA, ROBERT J., of Madison, as Administrator of the Division of Merit Recruitment and Selection in the Department of Employment Relations, to serve for the term ending March 26, 1999.

Confirmation:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Gary Drzewiecki
Chair

The committee on Human Resources, Labor, Tourism, Veterans and Military Affairs reports and recommends:

Assembly Bill 1082

Relating to vocational rehabilitation services for injured employes, granting rule-making authority and making an appropriation.

Concurrence:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 -- None.

Assembly Bill 545

Relating to the requirements for becoming a registered land surveyor.

Concurrence:

Ayes, 5 -- Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 -- None.

David A. Zien
Chair

The committee on Education reports and recommends:

Assembly Bill 493

Relating to state trust fund loans to school districts.

Concurrence:

Ayes, 5 -- Senators Lorman, Darling, Helbach, Potter and Clausing;

Noes, 2 -- Senators Huelsman and Petak.

Assembly Bill 893

Relating to agreements with counties regarding participation in multidisciplinary evaluations of children.

Concurrence:

Ayes, 7 -- Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 -- None.

Assembly Bill 987

Relating to pupil suspensions.

Concurrence:

Ayes, 7 -- Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 -- None.

Assembly Bill 1018

Relating to bidding requirements for vocational, technical and adult education district board contracts.

Concurrence:

Ayes, 7 -- Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 -- None.

Assembly Bill 1026

Relating to increasing a school district's revenue limit if state aid to the school district is increased based on more accurate data.

Concurrence:

Ayes, 7 -- Senators Lorman, Huelsman, Petak, Darling, Helbach, Potter and Clausing;

Noes, 0 -- None.

Barbara Lorman
Chair

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

March 17, 1994

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
534-----	152-----	March 17, 1994
265-----	161-----	March 17, 1994
477-----	162-----	March 17, 1994

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

March 15, 1994

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TONI ANN PALERMO of Madison, as a member of the Barbering and Cosmetology Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1998.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Business, Economic Development and Urban Affairs.

State of Wisconsin
Office of the Governor

March 15, 1994

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARVIN L. RUSHING of Waterford, as a member of the Barbering and Cosmetology Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1998.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Business, Economic Development and Urban Affairs.

MESSAGE FROM THE ASSEMBLY

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 121

Passed and asks concurrence in:

Assembly Bill 349
Assembly Bill 900
Assembly Bill 940
Assembly Bill 1044
Assembly Bill 1060
Assembly Bill 1068
Assembly Bill 1156

Concurred in:

Senate Bill 194
Senate Bill 285
Senate Bill 602
Senate Bill 639
Senate Bill 640
Senate Bill 678
Senate Bill 705

Amended and concurred in as amended:

Senate Bill 207, Assembly amendment 1
Senate Bill 430, Assembly substitute amendment 1
Senate Bill 597, Assembly amendment 1 to Assembly amendment 1 and Assembly amendment 1

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 121

Relating to removing from the constitution unnecessary references to the masculine gender (first consideration).

By Representatives Johnsrud, Baldwin, Urban, Lehman, Black, Bock, Musser, Krug, Ott, Springer, Kaufert, Holperin and Boyle, cosponsored by Senators Rude, Potter, Cowles, Clausing and Lorman.

Read first time and referred to committee on State Government Operations and Corrections.

Assembly Bill 349

Relating to the seizure and forfeiture of vehicles used in impersonating a peace officer and requiring warning lights on police vehicles.

By Representatives Silbaugh, Porter, Nass, Schneiders, Musser, Vergeront, Carpenter, Underheim, Duff, Swoboda, Hahn, Albers, La Fave, Freese, Ainsworth, Owens, Ladwig, Seratti and Green,

cosponsored by Senators Zien, Buettner, Schultz and Rosenzweig.

Read first time and referred to committee on Judiciary and Insurance.

Assembly Bill 900

Relating to: requiring the department of health and social services to develop a model community mental health plan; expanding requirements for community mental health plans; requiring the council on mental health to review community mental health plans; requiring the department of health and social services to enter into an agreement for the development of a mental health client survey prototype; requiring counties to periodically conduct mental health client surveys; patients' rights for certain persons; establishing a pilot program for protection and advocacy services for community mental health clients; requiring the department of health and social services to establish standards for patient grievance procedures; certification of community mental health programs; requiring the secretary of health and social services to designate a departmental subunit to supervise the grievance process for clients of mental health services; requiring, unless waived, counties to establish certified community support programs; providing funding for state payment of the local matching funds to secure federal funds for certified community support programs; maltreatment of vulnerable adults; the abuse and neglect of certain patients and residents; requiring consumer representation on county human services boards and county community programs boards; appointment of receivers for county departments of community programs and related programs; certification and review of community mental health programs; funding for staff of the council on mental health; intentional destruction, damage, concealment or falsification of patient health care records and treatment records; the exchange of professional services to evaluate community-mental health programs for continuing education credits; designation of county protective services agencies for the investigation of abuse, neglect or misappropriation of property of a vulnerable adult and providing protective services; directing the department of health and social services to develop a training curriculum and provide the curriculum for use in training members of county human services boards and county community services boards; requiring appointment of a complaint examiner in the department of justice; granting rule-making authority; making appropriations; and providing penalties.

By Legislative Council.

Read first time and referred to committee on Health, Human Services and Aging.

Assembly Bill 940

Relating to imposing liability upon the owner of a vehicle failing to yield the right of way to an authorized emergency vehicle and providing a penalty.

By Representatives Hahn, La Fave, Bolle, Ourada, Musser, Robson, Green, Springer, Goetsch, Skindrud, Silbaugh, Harsdorf, Boyle, Dobyns, Ainsworth, Otte,

Nass, Kreibich, Owens and Lorge, cosponsored by Senators Darling, Buettner, Lorman, Drzewiecki, Schultz and Zien.

Read first time and referred to committee on Transportation, Agriculture, Local and Rural Affairs.

Assembly Bill 1044

Relating to failure to pay for taxicab service.

By Representatives Wood, Stower, Ryba, Walker, Notestein, Porter, Ziegelbauer, Brancel, Musser, La Fave, Boyle, Wirch, Ladwig, Grobschmidt, Schneiders, Silbaugh, Turner, Robson, Lorge, Baldus, Roberts and Dobyms, cosponsored by Senators Burke, Buettner, Rosenzweig, Potter and Chvala.

Read first time and referred to committee on Judiciary and Insurance.

Assembly Bill 1060

Relating to the improper use of vehicle registration plates and stickers, false evidence of vehicle registration and providing a penalty.

By Representatives Otte, Hasenohrl, Prosser, Ryba, Freese, Ott, Lorge, Roberts, Duff, Ainsworth, Owens, Ladwig, Stower, Goetsch, Dobyms, Foti, Silbaugh, Seratti, Nass and Klusman, cosponsored by Senators Lasee, Chvala and Buettner.

Read first time and referred to committee on Transportation, Agriculture, Local and Rural Affairs.

Assembly Bill 1068

Relating to reassessing income for purposes of the premium and deductible subsidy under the health insurance risk-sharing plan and granting rule-making authority.

By Representatives Hinkfuss and Baldus, cosponsored by Senator Potter.

Read first time and referred to committee on Judiciary and Insurance.

Assembly Bill 1156

Relating to requiring the payment of interest on escrow accounts on veteran mortgage loans.

By Representatives Musser, Grobschmidt, Turner, Albers, Seratti, Notestein, Freese, Wirch, Dobyms, Gruszynski, Zukowski, Boyle, Lorge, Goetsch, Grothman, Ott, Silbaugh, Harsdorf and Kreuser, cosponsored by Senators Zien, Risser and Lasee.

Read first time and referred to committee on Financial Institutions and Cultural Affairs.

Senator Rude, with unanimous consent, asked that the Senate adjourn until 2:00 P.M. Monday, March 21.

10:01 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 1173

Assembly amendment 1

In engrossing, the following correction was made:

1. Page 1, line 11: delete "19m." and substitute "19c."

Assembly amendment 2

In engrossing, the following correction was made:

1. Page 1, line 18: delete "19m." and substitute "19g."

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 431** offered by Senator Jauch.

Senate substitute amendment 1 to **Senate Bill 767** offered by Senator Buettner.

Senate amendment 1 to **Assembly Bill 1108** offered by Senator Darling.